

BHS

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 41

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAR 19 2002

AMAR ANUMAKONDA, ROMULUS GAITA,
STEPHEN YATES and JIM ZHOU,

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Junior Party,
(Patent 5,843,208),

v.

YAO-EN LI, JOSEPH E. PAGANESSI,
and DAVID VASSALLO,

Senior Party
(Application 09/296,652).

Patent Interference 104,390 (McK)

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFER and LEE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of ANUMAKONDA'S REQUEST FOR ENTRY OF
ADVERSE JUDGMENT (Paper 37), it is

ORDERED that judgment on priority as to Count 1
(Paper 1, page 5), the sole count in the interference, is ~~awarded~~

against junior party AMAR ANUMAKONDA, ROMULUS GAITA, STEPHEN YATES and JIM.ZHOU.

FURTHER ORDERED that junior party AMAR ANUMAKONDA, ROMULUS GAITA, STEPHEN YATES and JIM ZHOU is not entitled to a patent containing claims 1-31 (corresponding to Count 1) of U.S. Patent 5,843,208, granted 1 December 1998, based on application 08/899,736, filed 24 July 1997.

FURTHER ORDERED that a copy of this paper shall be made of record in files of involved application 09/296,652 and involved U.S. Patent 5,843,208.

McK

FRED E. McKELVEY, Senior)
Administrative Patent Judge)

Richard E. Schaffer)
RICHARD E. SCHAFER)
Administrative Patent Judge)

Jameson Lee)
JAMESON LEE)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

104,390
cc (via First Class Mail):

Attorney for Anumakonda
(real party in interest:
Honeywell International Inc. [formally AlliedSignal Inc.]):

Michael R. McGurk, Esq.
Mark D. Sweet, Esq.
FINNEGAN, HENDERSON, FARABOW, GARRET & DUNNER, L.L.P.
1300 I Street, N.W., Suite 700
Washington, D.C. 20005-3315

Tel: 202-408-4000
Fax: 202-408-4400
E-mail: michael.mcgurk@finnegan.com
E-mail: mark.sweet@finnegan.com

Colleen D. Szueh, Esq.
ALLIEDSIGNAL INC.
P.O. Box 2245
101 Columbia Road
Morristown, NJ 07962

Tel: None
Fax: None
E-mail: None

Attorney for Li
(real party in interest:
American Air Liquide, Inc. ("ALLI"); L'Air Liquide Société
Anonyme Pour L'Etude et [and] L'Exploitation des Procédés Georges
Claude ("ALSA"))

Nhat D. Phan, Esq.
Todd R. Walters, Esq.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

Address for overnight delivery:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
1737 King Street
Alexandria, VA 22314-2756

Tel: 703-836-6620
Fax: 703-836-2021
E-mail: nhathp@burnsdoane.com
E-mail: twalters@burnsdoane.com